



**STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL**

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DIVISION OF SOCIAL JUSTICE
Environmental Protection Bureau

May 6, 2025

BY CM/ECF

The Honorable Lewis J. Liman
 United States District Judge
 United States District Court for the Southern District of New York
 Daniel Patrick Moynihan United States Courthouse
 500 Pearl Street
 New York, NY 10007-1312

Re: *Metropolitan Transportation Authority v. Duffy*
 No. 1:25-cv-01413-LJL

Dear Judge Liman:

We write on behalf of intervenor-plaintiff New York State Department of Transportation (“State DOT”) to request leave, *nunc pro tunc*, for the late filing of State DOT’s opening preliminary injunction papers early this morning [ECF Nos. 88, 89, 90]. Per the Court’s order [ECF No. 77], those papers were due yesterday.

To avoid filing duplicative material, State DOT’s motion papers incorporated by reference parts of the preliminary injunction papers filed by the Metropolitan Transportation Authority, Triborough Bridge and Tunnel Authority, and the New York City Department of Transportation [ECF Nos. 83, 87]. Because those parties were unable to file their papers until late in the evening, we were unable to finalize cross-references to those papers in our papers and file until slightly after midnight. We assume that this slight delay will not impact defendants’ ability to meet the May 16 deadline for their opposition brief.

Thank you for the Court’s consideration of this request.

Respectfully submitted,
/s/ Andrew G. Frank
 Andrew G. Frank
 Assistant Attorney General

c: All counsel of record (by CM/ECF)